

STATEMENT OF ERIC H. HOLDER, JR.  
February 8, 2001

Mr. Chairman, Congressman Waxman, members of the Committee, I am happy to have the opportunity to come before you today and to discuss the Justice Department's role in the pardon of Marc Rich.

At the outset I want to emphasize one thing -- the career people in the Department worked very hard to process all of the pardon requests that came to them in the waning days and hours of the Clinton Administration. They are not to be faulted in this matter. As for my own role, although I always acted consistent with my duties and responsibilities as Deputy Attorney General, in hindsight I wish that I had done some things differently with regard to the Marc Rich matter. Specifically, I wish that I had insured that the Department of Justice was more fully informed and involved in this pardon process.

Let me be very clear about one important fact -- efforts to portray me as intimately involved or overly interested in this matter are simply at odds with the facts. In truth, because the Marc Rich case did not stand out as one that was particularly meritorious, and because there were a very large number of cases that crossed my desk that similarly fit into this category, I never devoted a great deal of time to this matter and it does not now stick in my memory. By contrast, I did spend time monitoring cases, especially in those last days, involving people who were requesting commutations of disproportionately long drug sentences.

I would like to briefly go through a chronology of the relevant events so as to explain the Department's involvement in this matter. I think my first contact with the Rich case came in late 1999 when Jack Quinn, the former White House counsel, called me and asked me to facilitate a

meeting with the prosecutors in the Southern District of New York concerning a client of his named Marc Rich. This was not an unusual request. Over the years other prominent members of the bar and former colleagues, Republicans and Democrats, had asked me to arrange similar meetings with other offices around the country. Mr. Rich's name was unfamiliar to me. I believe that Mr. Quinn explained that he wanted the U.S. Attorney's office to drop charges that had been lodged against his client because of changes in the applicable law and Department policy. I asked a senior career person on my staff to look into the matter, and ultimately the prosecutors in the U.S. Attorney's office declined to meet with Mr. Quinn. Neither I nor anyone on my staff ever pressed the prosecutors to have the meeting. We simply deferred to them because it was their case. In candor, if I were making the decision as United States Attorney, I probably would have held the meeting. In my view the government -- and the cause of justice -- often gains from hearing about the flaws, real or imagined, cited by defense counsel in a criminal case. But my only goal was to ensure that the request for a meeting was fully considered. Consequently, I gained only a passing familiarity with the underlying facts of the Rich case, and after the prosecutors declined to meet with Mr. Quinn I had no reason to delve further into this matter.

On November 21, 2000, members of my staff and the United States Marshals Service and I had a meeting with Mr. Quinn. Though it was one of eight meetings I had on my schedule that day, I remember the meeting because Mr. Quinn's client had a good idea about using the Internet to help the Marshall's Service dispose of properties that had come into its possession as a result of forfeiture actions. Mr. Quinn has recently stated that after the meeting he told me he was going to file a pardon request on behalf of Mr. Rich at the White House. I have no memory of that conversation but do not question Mr. Quinn's assertion. His comment would have been a

fairly unremarkable one given my belief that any pardon petition filed with the White House would ultimately be sent to the Justice Department for review and consideration.

Mr. Quinn has also recently stated that he sent a note to me about the Rich case on January 10<sup>th</sup>. I never received that note. The correct address of the Justice Department does not appear on the correspondence. The note ultimately surfaced on the desk of the Pardon Attorney on January 18<sup>th</sup>, less than 48 hours before the pardon was signed by the President.

On Friday, January 19<sup>th</sup> of this year, the last full day of the Clinton Administration, when I was dealing with such issues as the death penalty, pressing personnel matters and security issues related to the next day's inauguration, I received a phone call from Mr. Quinn at about 6:30 p.m. He told me that I would be getting a call from the White House shortly, and he asked me what my position would be on the pardon request for Mr. Rich. I told him that although I had no strong opposition based on his recitation of the facts, law enforcement in New York would strongly oppose it. Given Mr. Rich's fugitive status, it seemed clear to me that the prosecutors involved would never support the request. But I did not reflexively oppose it because I had previously supported a successful pardon request for a fugitive, Preston King, who, in the context of a selective service case, had been discriminated against in the 1950s because of the color of his skin.

Shortly after my conversation with Mr. Quinn, I received a phone call from the White House Counsel, Beth Nolan, asking me my position. I am not sure if it was Ms. Nolan or Mr. Quinn who brought to my attention that Prime Minister Barak had weighed in strongly on behalf of the pardon request, but this assertion really struck me. With that significant piece of new information I ultimately told Ms. Nolan that I was now "neutral, leaning towards favorable" if

there were foreign policy benefits that would be reaped by granting the pardon.

Even after my conversation with Ms. Nolan on the evening of January 19<sup>th</sup>, I did not think that the pardon request was likely to be granted given Mr. Rich's fugitive status. I continued to believe this until I actually heard that his name had been placed on a list of pardons to be granted by the White House. I was informed of this list around eleven o'clock, perhaps midnight, on the night of the 19<sup>th</sup>. In retrospect, I now wish that I had placed as much focus on the Rich case as I did on other pardons involving people such as Derrick Curry, Dorothy Gaines and Kemba Smith, all of whom had received extraordinarily long drug sentences which, I strongly believe, were not commensurate with their conduct. Though I am speculating somewhat, had I known of the reported meeting that night between the President and counsel for Mr. Rich, I might have become more active in this matter, even at that late date, sensing that there was a real possibility the pardon request might be granted.

On the morning of Monday, January 22<sup>nd</sup> of this year, Mr. Quinn called me. I returned his call some four or five hours later. He asked me what steps needed to be taken to ensure that his newly-pardoned client was not detained by international law enforcement authorities when he traveled. We talked about how he might get detainers removed from computers and notify Interpol of the pardon, and about similar things of a technical nature. At no time did I congratulate Mr. Quinn about his efforts. If I said anything to him about his having done a good job, it was merely a polite acknowledgment of the obvious -- that he had been surprisingly successful in obtaining a pardon for this particular client.

As you can see from these facts, attempts to make the Justice Department, or me, the "fall guys" in this matter are rather transparent and simply not consistent with the facts. I, and

others at the Justice Department, had nothing to gain or lose by the decision in this matter; we had no professional, personal, or financial relationship with Mr. Rich or anyone connected to him; and, to the best of my knowledge, none of us ever saw the Rich pardon application. Indeed, it is now clear, and this is admittedly hindsight, that we at the Justice Department -- and more importantly, former President Clinton, the American public, and the cause of justice -- would have been better served if this case had been handled through the normal channels.

I have now ended a twenty five year public service career. All that I have from that time is the good work I think I have done, its impact on people and, I hope, a reputation for integrity. I have been angry, hurt and even somewhat disillusioned by what has transpired over the past two weeks with regard to this pardon. But, I've tried to keep foremost in my mind the meeting I had at my house with Derrick Curry and his father the week after his sentence was commuted by President Clinton. I know that my attention to that and similar cases made a difference in the lives of truly deserving people. Of that I am proud and grateful.